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"STOKKLERK"

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

USA TECHNOLOGIES, INC.,)	Docket No. CV 09-80275-MISC-SI
)	
Plaintiff-Respondent,)	
)	
vs.)	AMENDED NOTICE OF MOTION TO
)	QUASH
JOHN DOE, a.k.a. "STOKKLERK")	
)	DATE: December 18, 2009
Defendant-Movant.)	TIME: 9:00 a.m.
)	COURTROOM: 10, 19th Floor
)	JUDGE: The Honorable Susan Illston
)	
)	
)	
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)	

AMENDED NOTICE OF MOTION

TO PLAINTIFF-RESPONDENT USA TECHNOLOGIES, INC., AND ALL COUNSEL
OF RECORD:

NOTICE IS HEREBY GIVEN that the Motion to Quash filed by Defendant-Movant John Doe, a.k.a "stokklerk," on October 15, 2009, will be heard by the District Court for the Northern District of California in San Francisco in Courtroom 10 on December 18, 2009, at 9:00 a.m. In the Motion, Defendant-Movant moved to quash the Subpoena issued by Plaintiff-Respondent USA Technologies on or around September 24, 2009, to non-party company Yahoo! from the Northern District of California seeking stokklerk's identity and other related information. The subpoena was issued in support of a civil action filed in the District Court for the Eastern District of Pennsylvania on or around August 27, 2009, captioned USA Technologies v. John Doe and Jane Doe Anonymous Bloggers Operating as Michael_Moore_Is_Fat and Stokklerk, Case No. 09-3899.

As discussed in the accompanying Memorandum also filed on October 15, 2009, USA Technologies' Subpoena fails to meet the First Amendment requirements demanded of litigants attempting to use the discovery process to obtain identity-related information regarding anonymous online speakers. The Motion, made pursuant to FED. R. CIV. P. 45(c) and CAL. CIV. PROC. CODE § 1987.1, is based on the Motion itself; on this Notice; on the filed Memorandum of Points and Authorities; on all accompanying declarations and exhibits; and on such argument as may be received by this Court. Pursuant to the Motion, Defendant-Movant stokklerk respectfully requests that this Court grant its Motion and quash the Subpoena of September 24, 2009, issued by Plaintiff-Respondent USA Technologies.

DATED: November 30, 2009

By /s/ Matt Zimmerman
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